

# TWENTY-FOURTH DAY

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TUESDAY, FEBRUARY 25, 1997

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## PROCEEDINGS

The Senate met at 11:30 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Carona, Duncan, Ellis, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Fraser.

The President announced that a quorum of the Senate was present.

Dr. Philip Christopher, Pastor, First Baptist Church, Abilene, offered the invocation as follows:

Gracious God, whether anyone hears this prayer or not, we know that You are listening. And You will be present in this sacred place long after these words are forgotten and we go about our business as usual. Help us to know that You are as interested in what occurs in this sacred chamber as You are concerned about what happens in our churches and synagogues. We pray for these Senators who have been empowered by the people of this great state, yet let them not forget who is the ultimate source of all power. Grant them the wisdom not to do just what will work, but to do what is right. We ask, O God, that in the midst of the challenges and complex problems that face this body that You might transform partisan politics and parties into partners of mutual respect and cooperation. Move us as a people from the polarities of positions to the common mission of creating better opportunities for all people of this state. Remind us that without You, O God, we will discuss more and more and settle less and less. Give these Your servants the vision and wisdom in their work to plant trees which they will never sit under.

We ask these things in the name of the God of Abraham, Isaac, and Jacob, and in the name of our Lord, Jesus Christ. Amen.

On motion of Senator Truan and by unanimous consent the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**LEAVE OF ABSENCE**

On motion of Senator Truan, Senator Fraser was granted leave of absence for today on account of important business.

**CO-AUTHOR OF SENATE BILL 86**

On motion of Senator Shapiro and by unanimous consent, Senator Galloway will be shown as Co-author of **SB 86**.

**CO-AUTHOR OF SENATE BILL 122**

On motion of Senator Bivins and by unanimous consent, Senator Shapiro will be shown as Co-author of **SB 122**.

**CO-AUTHOR OF SENATE BILL 321**

On motion of Senator Armbrister and by unanimous consent, Senator Brown will be shown as Co-author of **SB 321**.

**CO-AUTHOR OF SENATE BILL 328**

On motion of Senator Brown and by unanimous consent, Senator Lucio will be shown as Co-author of **SB 328**.

**CO-AUTHOR OF SENATE BILL 337**

On motion of Senator West and by unanimous consent, Senator Gallegos will be shown as Co-author of **SB 337**.

**CO-AUTHOR OF SENATE BILL 411**

On motion of Senator Nelson and by unanimous consent, Senator Haywood will be shown as Co-author of **SB 411**.

**CO-AUTHOR OF SENATE BILL 460**

On motion of Senator Shapiro and by unanimous consent, Senator Moncrief will be shown as Co-author of **SB 460**.

**CO-AUTHOR OF SENATE BILL 461**

On motion of Senator Moncrief and by unanimous consent, Senator Truan will be shown as Co-author of **SB 461**.

**CO-AUTHOR OF SENATE BILL 464**

On motion of Senator Harris and by unanimous consent, Senator Nelson will be shown as Co-author of **SB 464**.

**CO-AUTHOR OF SENATE BILL 675**

On motion of Senator Ogden and by unanimous consent, Senator Haywood will be shown as Co-author of **SB 675**.

**SENATE BILLS AND RESOLUTION ON FIRST READING**

The following bills and resolution were introduced, read first time, and referred to the committees indicated:

**SB 659** by Luna

Relating to the guaranteed yield amount of state funds under the foundation school program.

To Committee on Education.

**SB 671** by Ellis, Duncan, Shapleigh

Relating to the creation, powers, and duties of the Community Reinvestment work group.

To Committee on Economic Development.

**SB 673** by Brown

Relating to garnishment of money held in an inmate trust fund.

To Committee on Jurisprudence.

**SB 681** by Armbrister

Relating to the alternative fuels program.

To Committee on State Affairs.

**SB 683** by Armbrister

Relating to computer and telecommunications offenses; providing penalties.

To Committee on Criminal Justice.

**SB 684** by Patterson

Relating to the development of a restructured competitive electricity market.

To Committee on State Affairs.

**SB 685** by Shapiro

Relating to the notification of school personnel of the arrest or detention of a student and any subsequent disposition of that arrest or detention.

To Committee on Criminal Justice.

**SB 686** by Shapiro

Relating to the appellate judicial system for the Fifth Court of Appeals District.

To Committee on Finance.

**SB 687** by Shapiro

Relating to the disposition of certain juveniles who unlawfully possess a weapon or use a weapon in conduct that constitutes an offense.

To Committee on Criminal Justice.

**SB 688** by Sibley

Relating to the creation of the high priority program development fund to support vocational and technical education.

To Committee on Finance.

**SB 689** by Sibley

Relating to the regulation of motor carriers of household goods.

To Committee on State Affairs.

**SB 690** by Armbrister

Relating to state government's purchasing and use of electricity.

To Committee on State Affairs.

**SB 691** by Ratliff, Shapiro, Patterson

Relating to the regulation of a detection device under the Private Investigators and Private Security Agencies Act.

To Committee on State Affairs.

**SB 692** by Lindsay

Relating to civil actions relating to municipal annexation.

To Committee on Jurisprudence.

**SB 693** by Brown

Relating to standing to enforce restrictions relating to state property.

To Committee on Natural Resources.

**SB 694** by Brown

Relating to the use of alternative dispute resolution procedures by state agencies.

To Committee on Jurisprudence.

**SB 695** by Cain

Relating to the regulation of motor vehicle dealers and manufacturers.

To Committee on State Affairs.

**SB 696** by Ellis, Lindsay

Relating to the issuance of bonds under the Higher Education Authority Act.

To Committee on Finance.

**SB 697** by Moncrief

Relating to the pendency of an administrative proceeding concerning real property.

To Committee on Jurisprudence.

**SB 698** by Armbrister

Relating to research relating to transportation facilities conducted by public senior colleges and universities for the Texas Department of Transportation.

To Committee on Education.

**SB 699** by Whitmire

Relating to the promotional appointments of police officers in certain municipalities.

To Committee on Intergovernmental Relations.

**SB 700** by Armbrister

Relating to unclaimed property.

To Committee on State Affairs.

**SB 701** by Armbrister

Relating to certain investment, securities, and other fiduciary responsibilities of the comptroller.

To Committee on Finance.

**SB 702** by Moncrief

Relating to the imposition of administrative penalties under certain professional licensing programs.

To Committee on Jurisprudence.

**SB 703** by Nelson

Relating to the consolidation of the fiscal and program audit functions of the Texas Department of Criminal Justice.

To Committee on Criminal Justice.

**SB 704** by Lindsay

Relating to limited-purpose annexation by certain home-rule municipalities.

To Committee on Intergovernmental Relations.

**SCR 29** by Brown

Granting Benita Fogarty permission to sue the state.

To Committee on Jurisprudence.

**MESSAGE FROM THE HOUSE**

**HOUSE CHAMBER**

Austin, Texas

Tuesday, February 25, 1997

The Honorable President of the Senate

Senate Chamber

Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

**THE HOUSE HAS PASSED THE FOLLOWING MEASURES:**

**HCR 9**, In memory of Joseph Lewis Rutledge.

**HCR 92**, Designating February 25, 1997, as Long-Term Care Ombudsman Day in Texas.

Respectfully,

/s/Sharon Carter, Chief Clerk  
House of Representatives

**MESSAGE FROM THE GOVERNOR**

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas

February 25, 1997

**TO THE SENATE OF THE SEVENTY-FIFTH LEGISLATURE,  
REGULAR SESSION:**

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

**TO BE MEMBERS OF THE TEXAS BOARD OF HEALTH** for terms to expire February 1, 2003:

MARIO R. ANZALDUA, M.D.

408 Trinity

Mission, Texas 78572

Dr. Anzaldua will be replacing Dr. Ramiro R. Casso of McAllen whose term expired.

KENT M. ADAMS  
104 West Caldwood Drive  
Beaumont, Texas 77707

Mr. Adams will be replacing Betsy Triplett-Hurt of Odessa whose term expired.

TO BE MEMBERS OF THE TEXAS BOARD OF HUMAN SERVICES for terms to expire January 20, 2003:

ELIZABETH DARLING SEALE  
4 Bishops Green  
San Antonio, Texas 78257

Ms. Seale will be replacing Robert Geyer of El Paso whose term expired.

BILL JONES  
2324 McClendon  
Houston, Texas 77030

Mr. Jones will be replacing Yava Scott of Houston whose term expired.

Respectfully submitted,

/s/George W. Bush  
Governor of Texas

#### GUESTS PRESENTED

Senator Lindsay was recognized and introduced to the Senate Mrs. Texas International Lorri Caldwell and her husband Captain Rick Caldwell.

The Senate welcomed its guests.

(Senator Sibley in Chair)

#### SENATE RESOLUTION 127

Senator Bivins offered the following resolution:

WHEREAS, On Tuesday, February 25, 1997, Midland-Odessa Day will be celebrated by the proud citizens of these two cities in recognition of the cities' contributions to the State of Texas; and

WHEREAS, The cities of Odessa and Midland are situated in the Permian Basin, where huge deposits of oil and natural gas were discovered in the 1920s; and

WHEREAS, Established in 1881, Odessa was selected as a stop on the Texas and Pacific Railroad that year; the oil boom in 1929 greatly increased the population; and

WHEREAS, Located partly in Midland County and mainly in Ector County, Odessa is the home of Odessa College and The University of Texas of the Permian Basin; and

WHEREAS, Midland was founded in 1885 by Midwestern farm families, and it was named because it was halfway between Fort Worth and El Paso; it is home to the famed Confederate Air Force Museum; and

WHEREAS, The county seat of Midland County, Midland has experienced many booms and busts and has grown into a metropolis with a strong educational system, high-rise buildings, and a population dedicated to the fine arts; and

WHEREAS, The citizens of Midland and Odessa are to be commended for their industriousness and their commitment to a spirit of cooperation which has been shown by their joint effort to build the Midland International Airport and by their naming of the Midland-Odessa Symphony and Chorale; and

WHEREAS, It is indeed a pleasure and a privilege for the Texas Senate to honor these outstanding towns and their fine citizens; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby extend sincere congratulations to the citizens of Odessa and Midland on their special day; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the two cities as a memento of this special day.

BIVINS  
DUNCAN

The resolution was read and was adopted by a viva voce vote.

(President in Chair)

(Senator Sibley in Chair)

#### GUESTS PRESENTED

Senator Bivins, joined by Senator Duncan, was recognized and introduced to the Senate delegations from Midland and Odessa.

Senator Bivins also introduced a delegation from Dalhart.

The Senate welcomed its guests.

(President in Chair)

#### SENATE RESOLUTION 194

Senator Cain offered the following resolution:

WHEREAS, The Senate of the State of Texas takes great pleasure in joining the citizens of Ellis County in celebration of Ellis County Day at the State Capitol on February 25, 1997; and

WHEREAS, Ellis County, with an area of 953 square miles in North Central Texas, is bounded on the east by the blackland belt which extends through the center of the county and varies from a gently rolling terrain to a level plain; and

WHEREAS, Ellis County is home to many cities and communities, including Waxahachie, Midlothian, Ennis, Red Oak, Ovilla, Ferris, Palmer, Bristol, Avalon, Bardwell, Italy, Milford, and Maypearl, and many other fine communities; and

WHEREAS, The earliest inhabitants of the county were Tonkawa Indians, and buffalo were often hunted; one of the first settlers was W. R. Howe, who located near the site of Forrester in July, 1843; and

WHEREAS, At an election held in August, 1850, Waxahachie was chosen as the county seat; the county was named for Richard Ellis; and

WHEREAS, On August 19, 1850, William Hawkins presided over the first Ellis County Court, which on August 23, 1850, authorized the expenditure of \$59 to construct a courthouse; and

WHEREAS, Ellis County has been recognized as one of the leading agricultural counties in the state since its first settlement in 1843; and

WHEREAS, The coming of the railroad in 1871 attracted top industries from throughout the United States; and

WHEREAS, The first school in Ellis County was organized at Milford in 1855 by Michael Dickson, and today Ellis County is the home of two highly regarded colleges, Navarro College and Southwestern Assemblies of God University; and

WHEREAS, The City of Midlothian in the western part of Ellis County is home to Chaparral Steel Company, Texas Industries, Holnam Texas, and North Texas Cement Company, making Midlothian the Cement and Steel Capital of Texas; and

WHEREAS, The City of Ennis in the eastern part of Ellis County is a cultural center of Czech ancestry, and all of its citizens are proud and industrious, making it a resourceful and responsible community; and

WHEREAS, The Red Oak/Ovilla area in north Ellis County off Interstate-35 is only minutes from downtown Dallas and the D/FW International Airport; and

WHEREAS, The City of Waxahachie in central Ellis County serves as the seat of county government and home to Ellis County's greatest historical landmark, its unique redstone courthouse built in 1895; known as the Gingerbread Capital of America because of its hundreds of beautifully restored Victorian homes, Waxahachie is the centerpiece of rich historical pride; and

WHEREAS, The Mahoney-Thompson Home along with the Ellis County Museum in Waxahachie, and the Railroad and Cultural Heritage Museum in Ennis, showcase hundreds of antiques and artifacts concerning the history and heritage of Ellis County; and

WHEREAS, Waxahachie has one of the only remaining Chautauqua Auditoriums; built in 1902, it brings thousands of visitors each year to Ellis County; and

WHEREAS, Filmmakers recognize Ellis County for prime movie locations, and Waxahachie was noted by the Los Angeles Film Makers Association as "The Best Little Hollywood in Texas" and "Vintage America in Mint Condition"; and

WHEREAS, Tourists are drawn to the many events and annual festivals in Ellis County; Ennis hosts the Texas Motorplex, the Bluebonnet Festival, and the National Polka Festival; the Scarborough Faire Renaissance festival and the Gingerbread Trail Historic Home Tour occur in Waxahachie; the historic Larkin Newton Cabin is a tourist attraction in Midlothian's downtown area; Italy hosts the annual Tour de Italia, a 100-mile tour which draws hundreds of bicycle enthusiasts; in addition, many fall festivals and parades are held by communities throughout the county; and



WHEREAS, Proud of their great history and heritage, the residents of Ellis County have taken recent steps to restore many of the historical homes and landmarks to their former grandeur; many cities throughout the county have participated in the Texas Main Street Project; and

WHEREAS, All of the cities and communities of Ellis County are preparing for economic development from commercial, industrial, and residential growth due to its excellent school districts, responsible citizens, and access to the Metroplex; and

WHEREAS, The many contributions of the citizens of this modern, energetic county are cause for great appreciation by all Texans; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby recognize February 25, 1997, as Ellis County Day as a gesture of highest esteem and in recognition of this remarkable county's contributions and achievements; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Ellis County in recognition of its celebration and as an expression of congratulations from the Texas Senate.

CAIN  
NELSON

The resolution was read and was adopted by a viva voce vote.

#### **GUESTS PRESENTED**

Senator Cain, joined by Senator Nelson, was recognized and introduced to the Senate a delegation from Ellis County and the Ellis County Commissioners Court.

The Senate welcomed its guests.

**(Senator Brown in Chair)**

#### **SENATE RESOLUTION 236**

Senator Zaffirini offered the following resolution:

WHEREAS, The Senate of the State of Texas takes pride in joining the American Heart Association, Texas Affiliate, Incorporated, in recognizing Tuesday, February 25, 1997, as American Heart Association Day; and

WHEREAS, The American Heart Association is a nonprofit, voluntary health organization that is dedicated to the reduction of disability and death from cardiovascular diseases and stroke; and

WHEREAS, Each year, over 220,000 volunteers in Texas dedicate their time and energy to supporting the research, education programs, and advocacy efforts of the American Heart Association; and

WHEREAS, In 1996, 400,000 people in Texas were trained through the association's cardiopulmonary resuscitation training programs and advanced cardiac life support training programs, and the association funded \$6.9 million in meritorious cardiovascular research projects in our state; and

WHEREAS, The association has distributed heart health education materials and programs to millions of Texans in order to increase the public's

knowledge of the risk factors associated with heart disease and stroke; heart disease is the number one killer, and stroke is the number one cause of disability in Texas; and

WHEREAS, Due to the efforts of the American Heart Association and volunteers across the state and to the contributions of many individuals, families, foundations, and corporations, cardiovascular disease is now declining in our state; the percentage of deaths in Texas due to cardiovascular disease declined four percent from 1983 to 1993; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby commend the American Heart Association, Texas Affiliate, Incorporated, and the volunteers and many contributors who are working to curtail the incidence of cardiovascular disease in our state and encourage all Texans to recognize February 25, 1997, as American Heart Association Day; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the American Heart Association, Texas Affiliate, Incorporated, as an expression of esteem from the Texas Senate.

The resolution was read.

On motion of Senator Truan and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Zaffirini, the resolution was adopted by a viva voce vote.

#### **GUESTS PRESENTED**

Senator Zaffirini was recognized and introduced to the Senate Betty Vondracek of Dallas, Dr. Bob Hillert of Dallas, and Lillian Lamon of Harlingen, from the American Heart Association, Texas Affiliate.

The Senate welcomed its guests.

#### **GUESTS PRESENTED**

Senator Zaffirini was again recognized and introduced to the Senate John Willis, State Ombudsman, Texas Department on Aging, and a delegation of long-term care volunteer ombudsmen.

**SR 161**, in recognition of Long-Term Care Volunteer Ombudsman Day, was previously read and adopted on Thursday, February 13, 1997.

The Senate welcomed its guests.

#### **SENATE RESOLUTION 242**

Senator Nixon offered the following resolution:

WHEREAS, Tuesday, February 25, Panola County Day will be celebrated by the proud citizens of Panola County in recognition of their illustrious county and its contributions to the State of Texas; and

WHEREAS, Located on the Texas-Louisiana line, Panola County is blessed with rich soil and an abundant water supply; a leading broiler-producing county, hogs and cattle are also raised here; and

WHEREAS, The name Panola comes from the Indian word for cotton, ponolo; the area is famous for its production of cotton, corn, potatoes, sugar cane, peanuts, tomatoes, melons, and peaches, and other fruits and vegetables; and

WHEREAS, The county was created from Harrison and Shelby counties by Texas' First Legislature on March 30, 1846; and

WHEREAS, Carthage is the county seat; it dates back to 1848 when 100 acres were donated for a town site; a lively small town, it is the trade center for the region, and its population approaches 7,000; and

WHEREAS, The local employment pool consists of dedicated and hardworking men and women; employment opportunities abound with retail and service-oriented businesses, specialty shops, commercial food processing, timber, light manufacturing, and oil and gas processing; and

WHEREAS, Potlatch, an annual community event held every fall, salutes the county's country heritage and attracts visitors who revel in the goodwill, crafts, country spirit, enjoyable music from jazz to gospel, and sumptuous regional food; and

WHEREAS, In 1944, the Jordan well was drilled and was the largest gas condensate reserve in the United States; the county is abundantly rich in natural resources; and

WHEREAS, The county is the birthplace of Country Music Hall of Famers Jim Reeves and Tex Ritter; and

WHEREAS, The Texas Senate is proud to honor the residents of this important county and to recognize their invaluable contributions to the State of Texas; and

WHEREAS, The important achievements of the citizens of Panola County have contributed to the development of the State of Texas, and these industrious Texans are truly worthy of legislative recognition and praise; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby extend sincere best wishes to Panola County for a most successful and happy Panola County Day; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Panola County as a memento of this grand occasion and as an expression of high regard from the Texas Senate.

The resolution was read.

On motion of Senator Truan and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Nixon, the resolution was adopted by a viva voce vote.

#### **GUESTS PRESENTED**

Senator Nixon was recognized and introduced to the Senate a delegation from Panola County.

The Senate welcomed its guests.

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**GUESTS PRESENTED**

Senator Barrientos was recognized and introduced to the Senate former Representative Curtis Seidlits, accompanied by the third-grade class and their teacher from Eanes Elementary School of West Lake Hills.

The Senate welcomed its guests.

**(President in Chair)**

**SENATE RESOLUTION 213**

Senator Armbrister offered the following resolution:

WHEREAS, On Tuesday, February 25, 1997, Matagorda County Day will be celebrated by the proud citizens of Matagorda County in recognition of its many contributions to the State of Texas; and

WHEREAS, Situated along the Gulf of Mexico between Brazoria and Calhoun counties, this lush county consists of more than 1,100 square miles, including Matagorda Bay, and the land is drained by the Colorado River, Caney Creek, and Tres Palacios Creek; and

WHEREAS, Often called "The Cradle of Texas History," Matagorda County was first settled by people brought in under the auspices of Stephen F. Austin; agriculture was the primary source of income and the main crops were cotton and sugarcane; after the Civil War, cattle ranching became the chief source of income, since both the war and the boll weevil destroyed cotton crops; and

WHEREAS, Railroad development became a major reason for the growth of Matagorda County around 1898; Bay City was established in 1894 and became the county seat; and

WHEREAS, According to the 1990 census, the total population of Matagorda County is around 37,000; the modern-day economy is based on agriculture, petrochemicals, nuclear power, plastics, oil and gas, and oilfield services; and

WHEREAS, The recreational attractions of this area are manifold; major parks and the Gulf of Mexico provide ample opportunities for relaxation and enjoyment; and

WHEREAS, Numerous civic organizations sponsor annual events each year; among these events are the Matagorda County Rodeo, Cinco de Mayo, Blessing of the Fleet, Bayfest, Rice Festival, and Market Days; and

WHEREAS, Adding to the rich cultural heritage of the area are two museums and many historical sites; and

WHEREAS, Among the chief assets of the county are its friendly and hospitable citizenry; the residents of Matagorda County have made it one of the outstanding areas of the state; and

WHEREAS, The many contributions of the residents of the county to the State of Texas are truly worthy of legislative recognition and praise; and

WHEREAS, It is indeed a pleasure and a privilege for the Texas Senate to honor this outstanding Texas county and its fine citizens; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby extend sincere congratulations to the citizens of Matagorda County on their special day and offer best wishes for a memorable and joyous celebration; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Matagorda County as a memento of this special day.

The resolution was read and was adopted by a viva voce vote.

#### **GUESTS PRESENTED**

Senator Armbrister was recognized and introduced to the Senate Dan Rawlins, Chair, Matagorda County Day; Barbara Sanders, President, Bay City Chamber of Commerce; Charles Martinez, Jr., Mayor, Bay City; the Honorable Loy Sneary, Matagorda County Judge; Bobby Wilkinson, President-elect, Bay City Chamber of Commerce and Agriculture; and a delegation of citizens from Matagorda County.

The Senate welcomed its guests.

#### **GUESTS PRESENTED**

Senator Armbrister was again recognized and introduced to the Senate a group of students and their teachers from Sacred Heart High School of Hallettsville.

The Senate welcomed its guests.

#### **CAPITOL PHYSICIAN**

The "Doctor for the Day," Dr. Harold High of Cuero, was introduced to the Senate by Senator Armbrister.

The Senate expressed appreciation and gratitude to Dr. High for participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

**(Senator Truan in Chair)**

#### **GUEST PRESENTED**

Senator Wentworth was recognized and introduced to the Senate Mr. Floor Mouthaan from the Netherlands, President and Chair of Greenfield Capital Partners.

The Senate welcomed Mr. Mouthaan.

**(President in Chair)**

#### **SENATE BILL 141 ON SECOND READING**

Senator Cain moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that **SB 141** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Fraser.

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On motion of Senator Cain and by unanimous consent, the regular order of business was suspended for **SB 141**:

**SB 141**, Relating to the power of a county to seize and sell abandoned real property for delinquent ad valorem taxes.

The bill was read second time.

Senator Cain offered the following committee amendment to the bill:

**Committee Amendment No. 1**

Amend **SB 141** as follows:

On page 2, end of line 9, add a new sentence: "The seizure and sale may not be set aside or voided because of any error in determination."

On page 3, end of line 2, add a new sentence: "The seizure and sale may not be set aside or voided because of any error in determination."

The committee amendment was read and was adopted by the following vote: Yeas 29, Nays 1.

Nays: Harris.

Absent-excused: Fraser.

**SB 141** as amended was passed to engrossment by a viva voce vote.

**RECORD OF VOTE**

Senator Harris asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**SENATE BILL 141 ON THIRD READING**

Senator Cain moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 141** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Harris.

Absent-excused: Fraser.

**SB 141** was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

**GUESTS PRESENTED**

Senator Gallegos was recognized and introduced to the Senate a group of students and their teacher from Life Christian Academy High School of Houston.

The Senate welcomed its guests.

**COMMITTEE SUBSTITUTE**

**SENATE BILL 149 ON SECOND READING**

Senator Bivins moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that **CSSB 149** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Ogden.

Absent-excused: Fraser.

On motion of Senator Bivins and by unanimous consent, the regular order of business was suspended for **CSSB 149**:

**CSSB 149**, Relating to post-tenure evaluation of faculty tenured at certain institutions of higher education.

The bill was read second time.

Senator Barrientos offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 149** by changing subsection 51.941(b) to read as follows:

(b) Each governing board of an institution of higher education shall adopt rules and procedures providing for a periodic post-tenure evaluation process for all faculty tenured at the institution. The governing board shall seek advice and comment from the faculty of the institution prior to adopting any rules pursuant to this section.

The amendment was read and was adopted by a viva voce vote.

Senator Barrientos offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **CSSB 149** by changing subsection 51.941(c)(1) to read as follows:

(1) each faculty member tenured at the institution be subject to a comprehensive post-tenure evaluation process conducted no more often than once every year, but no less often than once every six years, after the date the faculty member was granted tenure or received an academic promotion at the institution;

The amendment was read and was adopted by a viva voce vote.

**RECORD OF VOTE**

Senator Ogden asked to be recorded as voting "Nay" on the adoption of Floor Amendment No. 2.

Senator Barrientos offered the following amendment to the bill:

**Floor Amendment No. 3**

Amend **CSSB 149** by changing subsection 51.941(c)(4) to read as follows:

(4) a faculty member whom a governing board determines to be performing at an unsatisfactory level which does not rise to the level of good cause shall be allowed a period of time specified by the governing board in which to improve performance.

The amendment was read and was adopted by a viva voce vote.

Senator Barrientos offered the following amendment to the bill:

**Floor Amendment No. 4**

Amend **CSSB 149** by adding subsection 51.941(c)(5) to read as follows:

(5) the process incorporate recognized due process rights, including notice and an opportunity to be heard, before a faculty member may be subject to disciplinary action after an evaluation conducted pursuant to this section.

The amendment was read and was adopted by a viva voce vote.

**CSSB 149** as amended was passed to engrossment by a viva voce vote.

**RECORD OF VOTE**

Senator Ogden asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE**

**SENATE BILL 149 ON THIRD READING**

Senator Bivins moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 149** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Ogden.

Absent-excused: Fraser.

**CSSB 149** was read third time and was passed by a viva voce vote.

**RECORD OF VOTE**

Senator Ogden asked to be recorded as voting "Nay" on the final passage of the bill.

**(Senator Brown in Chair)**

**COMMITTEE SUBSTITUTE**

**SENATE BILL 451 ON SECOND READING**

Senator Duncan moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that **CSSB 451** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Fraser.

On motion of Senator Duncan and by unanimous consent, the regular order of business was suspended for **CSSB 451**:

**CSSB 451**, Relating to municipal perpetual trust funds for cemeteries.

The bill was read second time and was passed to engrossment by a viva voce vote.



**COMMITTEE SUBSTITUTE  
SENATE BILL 451 ON THIRD READING**

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 451** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Fraser.

**CSSB 451** was read third time and was passed by a viva voce vote.

**SENATE BILL 292 ON SECOND READING**

Senator Carona moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that **SB 292** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Fraser.

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended for **SB 292**:

**SB 292**, Relating to the period for early voting by personal appearance.

The bill was read second time.

Senator Carona offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **SB 292** by striking SECTION 1 of the bill (committee printing page 1, lines 10-15) and substituting the following:

SECTION 1. Sections 85.001(a) and (c), Election Code, are amended to read as follows:

(a) The period for early voting by personal appearance begins on the ~~17th~~ <sup>[20th]</sup> day before election day and continues through the fourth day before election day, except as otherwise provided by this section.

(c) If the date prescribed by Subsection (a) or (b) for beginning the period is a Saturday, Sunday, or legal state holiday, the period begins:

(1) on the next regular business day; or

(2) on that Saturday or Sunday if early voting is ordered to be conducted on that day under Section 85.006.

The amendment was read and was adopted by a viva voce vote.

**SB 292** as amended was passed to engrossment by a viva voce vote.

**SENATE BILL 292 ON THIRD READING**

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 292** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Fraser.

**SB 292** was read third time and was passed by a viva voce vote.

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(President in Chair)

**SENATE BILL 325 ON SECOND READING**

Senator Armbrister moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that **SB 325** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Fraser.

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended for **SB 325**:

**SB 325**, Relating to investments by the boards of trustees of local retirement systems for firefighters.

The bill was read second time.

Senator Ogden offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **SB 325**: SECTION 1. Subsection (a), Section 27(a), by inserting page 1, line 19 after the word "excess" the following: ". The state auditor shall conduct a study to determine if the retirement systems covered under this act should be covered under Chapter 2256, Government Code, Public Fund Investments or similar statute"

The amendment was read and was adopted by a viva voce vote.

**SB 325** as amended was passed to engrossment by a viva voce vote.

**SENATE BILL 325 ON THIRD READING**

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 325** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Fraser.

**SB 325** was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**SENATE BILL 541 ON SECOND READING**

Senator West moved that Section 5 of Article III of the State Constitution, Senate Rule 7.13, and Senate Rule 7.12(a) be suspended and that **SB 541** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Fraser.

On motion of Senator West and by unanimous consent, the regular order of business was suspended for **SB 541**:

**SB 541**, Relating to alcoholic beverage seller training programs.

The bill was read second time.

Senator West offered the following committee amendment to the bill:

**Committee Amendment No. 1**

Amend **SB 541** by striking proposed Subdivision (4), Section 106.14(c), and inserting the following new Subsection (d) and renumber the remaining subsections accordingly:

(d) The commission may by rule adopt additional objective criteria which must be met by an employer to qualify for the safe harbor provision set forth in Subsection (c). Such criteria shall be readily verifiable and of such a nature as to demonstrate that the employer is making a genuine effort to prevent the sale, service, or delivery of alcoholic beverages to minors or intoxicated persons or the consumption of alcoholic beverages by minors or intoxicated persons on the premises.

The committee amendment was read and was adopted by a viva voce vote.

**SB 541** as amended was passed to engrossment by a viva voce vote.

**SENATE BILL 541 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 541** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Fraser.

**SB 541** was read third time and was passed by a viva voce vote.

**NOTICE GIVEN FOR  
LOCAL AND UNCONTESTED CALENDAR**

Senator Harris announced that a Local and Uncontested Calendar had been furnished to each Member of the Senate. He then gave notice that the Local and Uncontested Calendar Session would be held at 7:30 a.m. tomorrow and that all bills and resolutions would be considered on second and third reading in the order in which they were listed.

**MOTION TO ADJOURN**

On motion of Senator Truan and by unanimous consent, the Senate at 1:30 p.m. agreed to adjourn upon conclusion of the Local and Uncontested Calendar Session tomorrow, in memory of John Joseph Shea, husband of former Member of the House of Representatives Gwyn Shea, until 11:30 a.m. tomorrow.

**RECESS**

On motion of Senator Truan and by unanimous consent, the Senate at 1:30 p.m. recessed until 7:30 a.m. tomorrow for the Local and Uncontested Calendar Session.

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**APPENDIX**

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**COMMITTEE REPORTS**

The following committee reports were received by the Senate:

February 25, 1997

FINANCE — **SB 582**

STATE AFFAIRS — **CSSB 291**

JURISPRUDENCE — **SB 241, SB 400, SB 534**

FINANCE — **CSSB 474**